

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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This Document Relates to:

THE STATE OF TEXAS; et al.,)
Plaintiffs,)
v.) Civil Action No. 12-cv-03394 (DLC)
PENGUIN GROUP (USA) INC.;)
HOLTZBRINCK PUBLISHERS, LLC)
d/b/a MACMILLAN; and)
APPLE INC.;)
Defendants.)

**[PROPOSED] ORDER GRANTING JOINT MOTION TO DISMISS WITHOUT
PREJUDICE SIMON & SCHUSTER, INC. AND SIMON & SCHUSTER DIGITAL
SALES, INC.**

Having reviewed the Joint Motion to dismiss without prejudice Simon & Schuster, Inc. and Simon & Schuster Digital Sales, Inc. as defendants in *State of Texas v. Penguin Group (USA), Inc.*, Civil Action No. 12-cv-03394 (DLC), and the memorandum in support filed therewith, the Joint Motion to dismiss without prejudice is GRANTED.

SO ORDERED.

Dated: May 15, 2012.

Hon. Denise L. Cote
United States District Judge